

Appl. No. 10/351,863

Amnt. dated 8/24/05

Reply to Office Action of ~~Sept 10, 2004~~ April 27, 2005

### REMARKS/ARGUMENTS

Claims 1-20 remain in the application. Claims 1, 7, and 14 are currently amended. Claim 5 was previously amended.

Claims 1-2, 6-8, and 13 were rejected under 35 USC 103(a) as unpatentable over Maekawa et al 5,644,388 and McDermott 5,898,267. Claims 4, 10-11, 14, 18, and 20 are rejected under 35 USC 103(a) as unpatentable over Maekawa et al., McDermott, and Martin et al. 4,573,796. Claims 15 and 17 are rejected under 35 USC 103(a) as unpatentable over Maekawa et al., McDermott, and Martin et al. Claims 3, 9, and 19 are are rejected under 35 USC 103(a) as unpatentable over Maekawa et al., McDermott, and Martin et al. Claim 5 is rejected under 35 USC 103(a) as unpatentable over Maekawa et al., McDermott, and Ross et al. 5,877,863.

The independent claims 1, 7, and 14, as now amended, clarify in the present invention fluorescent light resulting from the LED illumination source is detected by the detector, distinguishing over Maekawa et al. Maekawa et al. teaches (among other things) the use of an LED source for causing scattering of light from particles to detect the presence of the particles (called "windowing"), along with a laser light source for causing fluorescence from the particles to be detected. As the use of an LED source resulting in fluorescent light emitted from the particles for particle detection is not taught or suggested by cited or known prior art, applicant submits that the claims as amended are patentable. The dependent claims are patentable as depending from patentable claims, and include further patentable elements.

As all of the claims now in the application appear to be in condition for allowance, applicant respectfully requests that the application be allowed and passed to issue as soon as possible.

Respectfully submitted,  
MACHELEDT BALES & HEIDMILLER LLP

~~By~~

Jennifer L. Bales  
Registration No. 38,070  
Telephone (303) 664-4734  
Facsimile (303) 664-4735